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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/970,359 10/03/2001 Christopher Jensen Read SNY-R4742 1702

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MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH, NC 27606

EXAMINER

SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS 01/05/2007 PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/970,359	Applicant(s) READ, CHRISTOPHER JENSEN	
	Examiner HELEN SHIBRU	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/27/2206.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims 1-68

- 4) ☒ Claim(s) 1, 3, 5, 7, 10, 12, 13 and 27-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-10, 12, 13 and 27-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

4, 6, 11, 14-26 and 37-68

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Claims 4, 6, 11, 14-26, and 42-68 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected groups, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/27/2006.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 7-10, 27-29 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumont et al (US PG PUB 2001/0007611A1) in view of Official Notice.

Claims 32-34 will be discussed first.

Regarding claim 32, Dumont discloses a personal video recorder device, comprising:
a tuner receiving a video signal input and producing a live video signal as an output (see analog source (12) in fig. 2 and paragraph 0032);

an analog to digital converter receiving the live video signal and converting it to a digital live video signal (see paragraph 0034 and digital encoder (16) in fig. 2);

a medium interface receiving and storing the digital live video signal input as it is produced by the analog to digital converter and providing as an output a stored

digital video signal (see fig. 2 and fig. 4 component 20 and paragraphs 0036 and 0043. If the user wants to record the video signal from the analog source 12 the first switch will connect the input 22 to point 26);

a digital to analog converter receiving the stored digital video signal and producing an analog video signal (see digital decoder 22 in fig. 2);

an output circuit that provides an output signal formatted for display on a video display (see display 25 and decoder 22 in fig. 2);

a switch (multiplexer 18) that routes a signal to the digital to analog converter (see fig. 2 multiplexer 18 and decoder 22);

a controller that directs the switch to provide one of the digital live video signal and the stored digital video signal to the digital to analog converter (see component 32 in fig. 3 or component 40 in fig. 4 and paragraphs 0041 and 0047. The user controls the switch to direct the switch to one of the sources or from the medium interface to the decoder); and

wherein the controller receives user commands and responsive to a user command to change a channel, commands the switch to route the digital live video

signal to the digital to analog converter (See figures 3 and 4 and paragraphs 0043 and 0044. The analog source 12 is an analog tuner receiving analog video signals from a remote emitter through the antenna. The user can change channels as he/she desires. If the user wants to record the video signal from the analog source 12 the first switch will connect the input 22 to point 26 in fig. 3 or 4. Otherwise input 22 will connect directly to the digital decoder).

Claim 1 differs from Dumont in that the claim further requires a disk drive. Although Dumont does not specifically disclose the medium interface is disk drive Official Notice is taken that it is well known in the art to substitute a drum carrying magnetic heads with a disk drive in order to record signals in high density storage medium.

Regarding claim 33, Dumont discloses the output circuit comprises a modulator (see paragraph 0037, the coded digital stream are converted to be displayed on a display).

Regarding claim 34, Dumont discloses the output circuit provides the output signal formatted as one of NTSC, PAL, DVI, and MPEG (see paragraph 0037).

Regarding claims 1-3, 8, 10, and 27, the limitation of claims 1-3, 8, 10 and 27 can be found in claim 32. Therefore claims 1-3, 8, 10 and 27 are rejected for the same reason as discussed in claim 32 above.

Claims 5 and 28 are rejected for the same reason as discussed in claim 33 above.

Claims 7 and 29 are rejected for the same reason as discussed in claim 34 above.

Regarding claim 9, the limitation of claim 9 can be found in claims 32 and 33. therefore claim 9 is rejected for the same reason as discussed in claims 32 and 33 above.

4. Claims 12-13, 30-31 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumont et al (US PG PUB 2001/0007611A1) in view of Official Notice and further in view of Russo (US Pat. No. 5,701,383).

Claims 35-36 will be discussed first.

Regarding claim 35, claim 35 differs from the above proposed combinations in that the claim further requires a command to implement an effect using disk drive. Dumont discloses the user controls the switch to select one of the signals as shown in fig. 3 and 4 wherein one of the signal is coming from the medium interface 20 (see also paragraphs 0041-0044).

In the same field of endeavor Russo discloses a video time shifting system characterized in having a continuous recording track. Russo further discloses the storage means takes the form of a continuous recording track in a magnetic disk drive (see abstract). Russo further discloses

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the system continuously records the incoming program selected by a user on an associated display device. If a program-control command is received, the system continues to store the incoming video program and keeps track of the exact position in the program associated with the activation of the particular command. When a pause is followed by a resume command, the program continues to be displayed from the point at which it was paused (see col. 4 lines 11-27). Therefore in light of the teaching in Russo it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dumont by providing a live pause effect in order to record a full length of program without discontinuity.

Claim 36 is rejected for the same reason as discussed in claim 35 above.

Claims 12-13 and 30-31 are rejected for the same reason as discussed in claim 35 above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Logan et al. (US Pat. No. 5,371,551)

Komar et al (US Pat. No.6,766,100).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329.

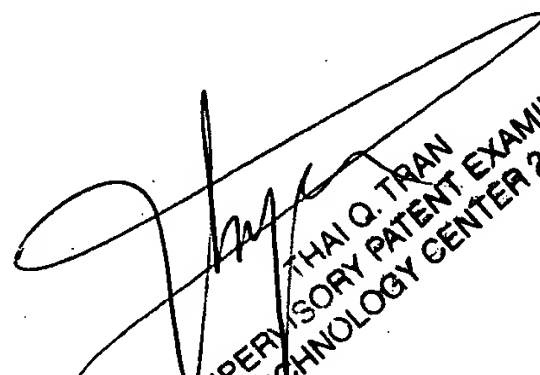
The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
December 19, 2006


THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600